

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WARREN WEST

Plaintiff,

v.

CITY OF BETHLEHEM, et al.,

Defendants.

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CIVIL ACTION

NO. 11-1194

ORDER

AND NOW, this ____ day of March 2013, upon consideration of Defendant's Motion to Dismiss Plaintiff's Amended Complaint under Federal Rule of Civil Procedure 41(b) (Doc. 37), **IT IS HEREBY ORDERED** that said Motion is **GRANTED**.¹

IT IS FURTHER ORDERED that Plaintiff's Amended Complaint is dismissed with

¹ The authority of this Court to dismiss Plaintiff's action with prejudice because of his failure to prosecute cannot be doubted. It has been expressly recognized in Federal Rule of Civil Procedure 41(b), which provides, in pertinent part:

(b) Involuntary Dismissal: Effect Thereof. For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against him Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction or for improper venue, operates as an adjudication upon the merits.

Plaintiff has been provided numerous opportunities to maintain his action and has refused to cooperate with opposing counsel, his own counsel, and the Court. Plaintiff also fails to give the Court any indication as to whether he has any intention of prosecuting this matter. Accordingly, Defendants joint motion for involuntary dismissal on the merits and with prejudice shall be granted.

prejudice, and the Clerk of Court shall **CLOSE** the above captioned case.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.